

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST AND)
SOUTHWEST AREAS PENSION FUND,)
and HOWARD McDougall, trustee,)
Plaintiffs,)
v.) Case No.: 08 CV 2515
HEALY SPRING COMPANY,) Judge: Andersen
a Minnesota corporation,)
Defendant.)
Magistrate Judge Cole

INITIAL JOINT STATUS REPORT

The parties to the above-captioned lawsuit submit to the Court the following Joint Status Report.

1. Referral Order

Please find a copy of the Referral Order attached to this filing.

2. Summary of Claims Asserted

Plaintiffs brought this action under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1001, et seq., as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("MPPAA"), Section 306 (Public Law 96-364, Section 515 of ERISA), to recover withdrawal liability payments they allege to be owed to the Central States, Southeast and Southwest Areas Pension Fund ("Pension Fund") by the Defendant. No counterclaims or third party complaints have been filed. The Defendant filed an Answer to the Complaint on June 3, 2008.

3. Statement of Relief Sought

Pursuant to sections 502(g)(2) and 4301(b) of ERISA, 29 U.S.C. §§ 1132(g)(2) and 1451(b), Plaintiffs seek the outstanding withdrawal liability, interest, liquidated

damages, and attorneys' fees and costs. Plaintiffs claim that the outstanding amount owed by Defendant is withdrawal liability in the amount of \$197,506.93, interest in the amount of \$5,946.37 (calculated through June 30, 2008), liquidated damages in the amount of \$39,501.39, and attorneys' fees and costs in the amount of \$1,137.50.

4. Legal Memorandum

No legal memorandum has been submitted to the Court, and the parties do not anticipate submitting any legal memorandum due to the ongoing settlement negotiations.

5. Jurisdiction of Magistrate Judge

The parties do not consent to the jurisdiction of the magistrate judge at this time.

6. Settlement Discussions

Defendant has indicated that it is interested in settlement of the claims and is in the process of putting together a settlement offer to present to the Plaintiffs.

June 25, 2008

Date

s/ Rebecca K. McMahon

Rebecca K. McMahon
One of the attorneys for Plaintiffs, Central States,
Southeast and Southwest Areas Pension Fund
9377 West Higgins Road
Rosemont, Illinois 60018-4938
847/518-9800, Ext. 3481

June 25, 2008

Date

s/ Sean F. Drake

Sean F. Drake
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CERTIFICATE OF SERVICE

The undersigned certifies that on this 25th day of June 2008, he served a true and correct copy of **INITIAL JOINT STATUS REPORT** to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing upon the following individual(s):

Rebecca K. McMahon
Central States Law Department
9377 West Higgins Road
Rosemont, Illinois 60018-4938

s/ Sean F. Darke
Sean F. Darke